



MEMORANDUM

Agenda Item No. 5(A)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution declaring surplus
Miami-Dade County owned
property located at the NW
quadrant of the intersection of
Marlin Road and Old Cutler
Road, Cutler Bay, Florida

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney


RAC/up

Memorandum



Date: May 1, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Declaring Surplus County-owned Property Located at the Intersection of Marlin Road and Old Cutler Road, Cutler Bay, FL and Authorizing Conveyance of the Property to the Town of Cutler Bay

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) declare the County-owned property located at the intersection of Marlin Road and Old Cutler Road, Cutler Bay, Florida as surplus and authorize the conveyance to the Town of Cutler Bay, in accordance with Florida Statute 197.592(3).

OWNER:	Internal Services Department (ISD)
FOLIO NO.:	36-6009-009-2510
LOCATION:	NW quadrant of the Intersection of Marlin Road and Old Cutler Road
SIZE:	3,850 Square Feet
COMMISSION DISTRICT:	District 8
ZONING:	GU/Interim District
ASSESSED VALUE:	\$6,098
FISCAL IMPACT/ FUNDING SOURCES:	The conveyance of this parcel to the Town of Cutler Bay will eliminate the County's obligation to maintain the property, which costs approximately \$800 annually.
JUSTIFICATION:	The Town of Cutler Bay is interested in this County-owned parcel for the development of the proposed Pine Rockland Education Garden Project. The purpose of this project is primarily educational and is being developed in conjunction with Fairchild Tropical Gardens "Connect to Protect Program." The concept was a direct result of residents' suggestions during the Town's two public involvement meetings, which were held on May 24, and June 28, 2010.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

COMMENTS:

On January 16, 1969, the property escheated to the County for non-payment of taxes. The property has remained vacant ever since. The property was circulated to County Departments to determine whether the County had any use for the property. The Public Works and Waste Management Department requested that a portion be dedicated for road right-of-way, and is therefore being retained by the County. No other need was expressed. The plat for this parcel states it cannot be used as a building site.

MONITOR:

Carmen O. Gomez, Real Estate Officer

DELEGATED
AUTHORITY:

Authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish this conveyance and authorizes the Chairperson or Vice-Chairperson to execute a County Deed for such purpose.


Deputy Mayor

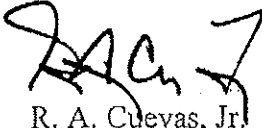


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(A)
5-1-12

RESOLUTION NO. _____

RESOLUTION DECLARING SURPLUS MIAMI-DADE COUNTY OWNED PROPERTY LOCATED AT THE NW QUADRANT OF THE INTERSECTION OF MARLIN ROAD AND OLD CUTLER ROAD, CUTLER BAY, FL; WAIVING REVIEW OF THIS ACTION BY THE PLANNING ADVISORY BOARD, AS PRESCRIBED BY ADMINISTRATIVE ORDER 8-4; APPROVING THE CONVEYANCE OF SAME TO THE TOWN OF CUTLER BAY IN ACCORDANCE WITH F.S.197.592(3); AND AUTHORIZING EXECUTION OF COUNTY DEED FOR SUCH PURPOSE

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, for the property described in the accompanying County Deed, a copy of which is incorporated herein by reference located at the N.W. Quadrant of the intersection of Marlin Road and Old Cutler Road, Cutler Bay, Florida (the "subject property"); and

WHEREAS, Florida Statute 197.592(3) states that land acquired by any County of the State for delinquent taxes in accordance with the law which has not been previously sold, acquired for infill housing, or dedicated by the Board of County Commissioners; which the Board of County Commissioners has determined are not to be conveyed to the record fee simple owners in accordance with provisions of subsections (1) and (2); and which are located within the boundaries of an incorporated municipality of the County shall be conveyed to the governing board of the municipality in which the land is located,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and accepts the prior recitals.

Section 2. This Board declares that the subject property has not been dedicated by prior actions of the Board of County Commissioners, that the property will not be conveyed to the prior fee simple owner, that the subject property is surplus to County needs, that Administrative Order 8-4 pertaining to the review by the Planning Advisory Board is waived, and that the conveyance to the Town of Cutler Bay is required by Section 197.592(3), Florida Statutes.

Section 3. This Board authorizes the County Mayor or the Mayor's designee to take all actions necessary to accomplish the conveyance of the subject property described in the attached County Deed, and authorizes execution of said County Deed by the Board of County Commissioners acting by the Chairperson or Vice Chairperson of the Board.

Section 4. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the Mayor's designee to record the instrument of conveyance accepted herein the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman
	Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of May, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JRA

Juliette R. Antoine

Legal Description:

Tract "C" of CUTLER RIDGE SECTION FOUR, according to the plat thereof recorded in Plat Book 60, Page 23 of the Public Records of Miami-Dade County, Florida,

LESS the following described portion thereof which the Grantor and Grantee agree is hereby dedicated as public road right-of-way for Old Cutler Road:

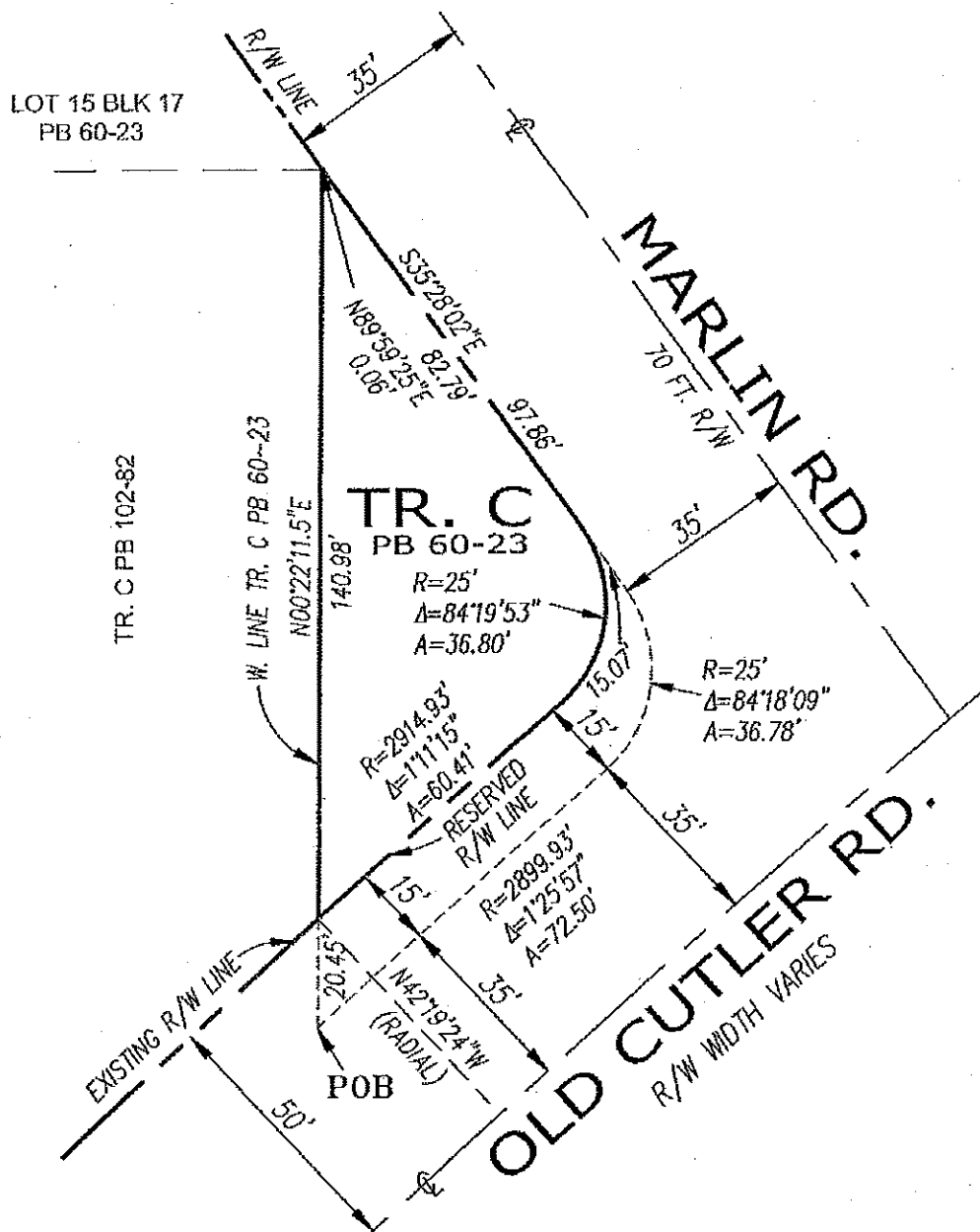
Right of Way for Old Cutler Road:

BEGIN at the Southwest corner of said Tract "C"; thence N 00°22'11.5" E along the west line of said Tract "C" for a distance of 20.45 feet to a non-tangent point lying on a circular curve concave to the southeast, having a radius of 2914.93 feet, a radial bearing N 42°19'24" W to said point; thence northeasterly along said curve to the right through a central angle of 1°11'15" for an arc distance of 60.41 feet to a point of reverse curvature with a circular curve concave westerly, having a radius of 25.00 feet; thence northerly along said curve to the left, through a central angle of 84°19'53", for an arc distance of 36.80 feet to a point of tangency with the northeasterly line of said Tract "C"; thence S 35°28'02" E, along said northeasterly line of Tract "C", for a distance of 15.07 feet to a point of curvature of a circular curve concave westerly, having a radius of 25.00 feet; thence southerly along the arc of said curve to the right through a central angle of 84°18'09", for an arc distance of 36.78 feet to a point of reverse curvature with a circular curve concave southeasterly, having a radius of 2899.93 feet; thence southwesterly along the arc of said curve to the left through a central angle of 1°25'57" for an arc distance of 72.50 feet to the **POINT OF BEGINNING**.

EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SEC. 9
TWP. 56 S.
RGE. 40 E.



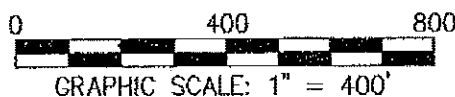
LEGEND:

(R)	Radius
(Δ)	Central Angle
(A)	Arc
R/W	Right-of-Way
Tr	Tract
PB	Plat Book
CL	Center Line
POB	Point of Beginning
Twp	Township
Rge	Range
Sec	Section
R	Property Line
---	Proposed R/W Line

MIAMI-DADE COUNTY PUBLIC WORKS
WASTE MANAGEMENT DPT.
LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION
RIGHT-OF-WAY ENGINEERING SECTION

EXHIBIT "B"

TO BE CONVEYED



NOT A SURVEY

PROJECT: PINE ROCKLAND EDUCATION
GARDEN PROJECT
FOLIO NO. 36-6009-009-2510
OWNER: MIAMI-DADE CO. CSA
Municipality: Town of Cutler Bay
Commission District: Lynda Bell, 8
Miami-Dade Co. Mayor: Carlos A. Gimenez



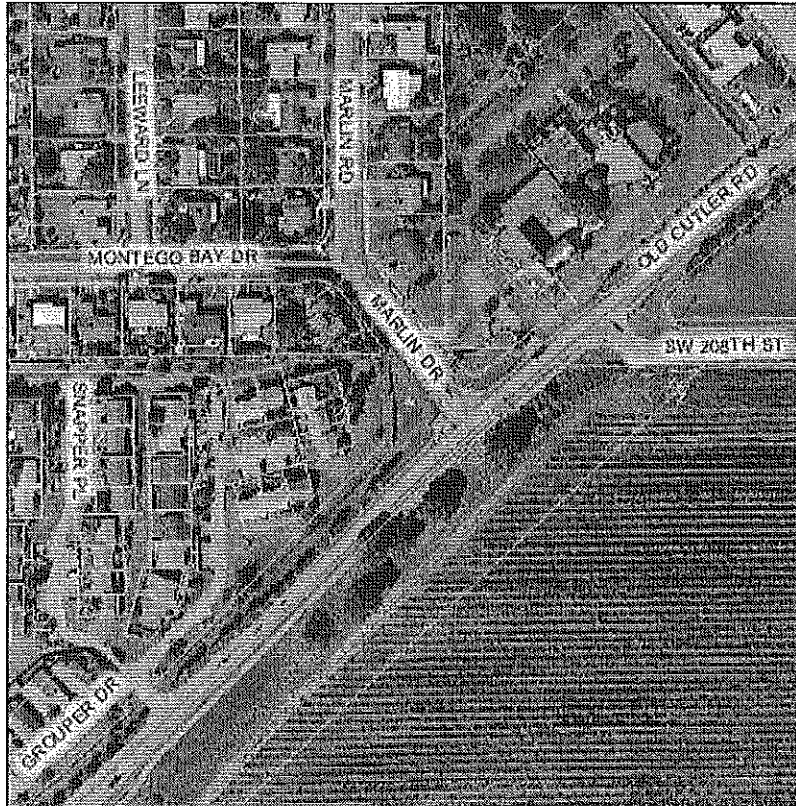
Prepared by: S. Burton, PSM
Fla. Reg. No. 4982
Date: 9/22/11
Revised by: L. Espinosa
Date: 11/21/11

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Aerial Photography - 2009

0 115 ft

This map was created on 2/21/2012 12:44:31 PM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

Summary Details:

Folio No.:	36-6009-009-2510
Property:	
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	8900 UNZONED
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,098 SQ FT
Year Built:	0
Legal Description:	4 & 9 56 40 0.14 AC M/L CUTLER RIDGE SEC 4 PB 60-23 TRACT C LOT SIZE 6098 SQ FT F/A/U 30-6009-009-2510

Assessment Information:

Year:	2011	2010
Land Value:	\$6,098	\$6,098
Building Value:	\$0	\$0
Market Value:	\$6,098	\$6,098
Assessed Value:	\$6,098	\$6,098

Taxable Value Information:

Year:	2011	2010
Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Taxing Authority:		
Regional:	\$6,098/\$0	\$6,098/\$0
County:	\$6,098/\$0	\$6,098/\$0
City:	\$6,098/\$0	\$6,098/\$0
School Board:	\$6,098/\$0	\$6,098/\$0

Instrument prepared by and returned to:
Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No.: 36-6009-009-2510

COUNTY DEED

THIS DEED, made this _____ day of _____, 2011 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and _____, party of the second part, whose address is _____, Florida.

WITNESSETH:

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

Tract "C" of CUTLER RIDGE SECTION FOUR, according to the plat thereof recorded in Plat Book 60, Page 23 of the Public Records of Miami-Dade County, Florida,

LESS the following described portion thereof which the Grantor and Grantee agree is hereby dedicated as public road right-of-way for Old Cutler Road:

Right of Way for Old Cutler Road:

BEGIN at the Southwest corner of said Tract "C"; thence N 00°22'11.5" E along the west line of said Tract "C" for a distance of 20.45 feet to a non-tangent point lying on a circular curve concave to the southeast, having a radius of 2914.93 feet, a radial bearing N 42°19'24" W to said point; thence northeasterly along said curve to the right through a central angle of 1°11'15" for an arc distance of 60.41 feet to a point of reverse curvature with a circular curve concave westerly, having a radius of 25.00 feet; thence northerly along said curve to the left, through a central angle of 84°19'53", for an arc distance of 36.80 feet to a point of tangency with the northeasterly line of said Tract "C"; thence S 35°28'02" E, along said northeasterly line of Tract "C", for a distance of 15.07 feet to a point of curvature of a circular curve concave westerly, having a radius of 25.00 feet; thence southerly along the arc of said curve to the right through a central angle of 84°18'09", for an arc distance of 36.78 feet to a point of reverse curvature with a circular curve concave southeasterly, having a radius of 2899.93 feet; thence southwesterly along the arc of said curve to the left through a central angle of 1°25'57" for an arc distance of 72.50 feet to the **POINT OF BEGINNING**.

This grant conveys only the interest of the County and its Board of County Commissioners in the land herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS.

By: _____
Deputy Clerk

By: _____
Joe A. Martinez, Chairperson

Approved for legal sufficiency: _____

The foregoing was authorized by Resolution No. R- _____ approved by the Board of County
Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2012.



120017

C: YSCLA
WENDI

RECEIVED • P13 ASSIGN
Office of the Town Manager WENDI TO
2011 MAR - 7 11:03 PREPARE
Steven J. Alexander
Town Manager
COUNTY MANAGER'S OFFICE RESPONSE

February 28, 2011

Miami-Dade County
Mr. George M. Burgess
County Manager
Stephen P. Clark Center
111 NW 1st Street, Suite 2910
Miami, Florida 33128

FOR THE
MANAGER'S
SIGNATURE,
CITY MAYOR.

**Re: Miami-Dade County GSA property at Old Cutler Road & Marlin Drive
Folio No.: 36-6009-009-2510**

Dear Mr. Burgess:

As part of our on-going Old Cutler Road Joint Participation Agreement, we propose to incorporate into the project a 0.14 parcel, owned by Miami-Dade County acre GSA. This surplus parcel is located at the northwest corner of Old Cutler Road and Marlin Drive.

The attached supporting documents detail the existing property information, as well as the plans we have developed for the proposed Pine Rockland Educational Garden. The purpose of this garden is primarily educational, and is being developed in conjunction with Fairchild Tropical Gardens, as part of their "Connect to Protect Program". The Educational Garden concept was a direct result of resident's suggestions during the Town's two public involvement meetings which were held on May 24th and June 28th, 2010.

A few weeks ago we met with Ms. Elva Marin, Real Estate Manager for Miami-Dade GSA Facilities and Utilities Division, regarding our proposed use of this surplus lot. She noted that the proposal seemed appropriate, and recommended that we work through your office to initiate the process of a property lease or transfer.

If necessary, Town Staff and/or I may be reached by telephone. I am also reachable via email at salexander@cutlerbay-fl.gov.

Sincerely,


Steven J. Alexander
Town Manager

Enclosures

cc: Mr. Rafael Casals; Public Works Director

FAIRCHILD TROPICAL BOTANIC GARDEN

Exploring, Explaining and Conserving the World of Tropical Plants

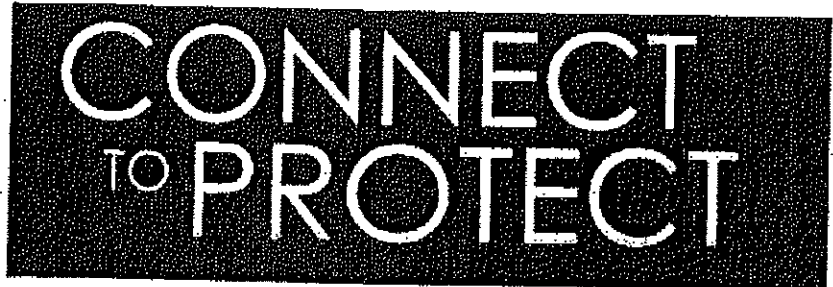
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Invitation to Join the Network
Create a Pine Rockland Stepping Stone Garden
Membership List and Map
Information for Teachers
Newsletters
Pine Rockland Postcards
Conservation Blog
Cycad Conservation
Fairchild Guide to Palms
FRUITBGM Molecular Laboratory
Florida Program
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Preserving and Strengthening Our Remaining Pine Rocklands

South Florida's pine rockland habitat is one of the most endangered habitats in the world. Pine rockland is typically identified by an open canopy of slash pine (*Pinus elliotii* var. *densa*), a lower layer of both tropical and temperate shrubs and palms and a ground cover of grasses and herbs (FNAI, 1990).



Endangered Pine Rockland Habitat

Because it is situated in the subtropics, this region has a rich diversity of temperate and tropical plants represented for a total of 374 species. The pine rockland ecosystem is home to 31 endemic species, including 6 species that are listed as federally endangered, and 9 species that are candidates for listing.

Miami's pine rocklands support the bald eagle, Kirtland's warbler and the eastern indigo snake, as well as more common urban-adapted critters like foxes, raccoons, possums and squirrels. The rare and beautiful atala butterfly, Florida leafwing butterfly and pin rock crowned snake are occasionally glimpsed.

The Connect to Protect Network

Historically, pine rockland extended continuously and uninterrupted along the Miami Rock Ridge from northern Miami Beach south and westward into Everglades National Park. Because of rapid development, just 2% of the habitat intact remains outside of Everglades National Park. The 2% of habitat remaining exist as forest fragments dispersed amongst the urban matrix.

Our objective is to create corridors and stepping stone gardens that connect isolated pine rockland fragments. These corridors, such as rights-of-way along freeways or privately owned pine rockland parcels, will be restored back to health by planting native pine rockland species and managing non-native invasive plants. This will increase the probability that bees, butterflies and birds can find and transport seeds and pollen across developed areas that separate pine rocklands fragments.

Interchange of seeds and pollen improves gene flow, the genetic health of native plant species, and thus, the likelihood that these species will persist over the long term. Many native pine rockland species are rare, threatened or endangered. Planting pine rockland species will increase the numbers of individual plants and reduce the risk of extinction.